

19. GUIDELINES FOR THE PREPARATION OF PUBLIC NOTICES ANNOUNCING THE AVAILABILITY OF FINANCIAL ASSISTANCE FUNDS - FUNDING OPPORTUNITIES, *FEDERAL REGISTER* NOTICES

A. Background.

1. The Federal Financial Assistance Management Improvement Act of 1999 required the Office of Management and Budget (OMB) to direct, coordinate, and assist Executive Branch departments and agencies in establishing an interagency process to streamline and simplify Federal financial assistance procedures for non-Federal entities. It also required each Executive agency to develop, submit to the Congress, and implement a plan for that streamlining and simplification. One of the results of that plan was a commitment to develop a consistent funding announcement format across the many Federal agencies and programs. A standard announcement format with information content organized in a consistent way lets applicants quickly and efficiently find the information they need, in order to decide whether a particular funding opportunity is of interest and to prepare an application. On June 23, 2003 OMB's Office of Federal Financial Management issued a *Federal Register* notice prescribing the standard format for all programs that use discretionary grants or cooperative agreements (68 F.R. 37370). On October 8, 2003 OMB published another notice (68 F.R. 58146) prescribing standardized format and location for synopses of funding opportunities.

2. It is the policy of the Department that:

a. All announcements of funding opportunities will conform to the formats set forth in the Notices mentioned above, which are summarized in Section B. and D., below.

b. All funding opportunities will be posted on the Fedgrants.gov website

c. The full text of all announcements of funding opportunities will be posted on an official Department website.

d. Operating units will publish only the abbreviated *Federal Register* notice described in Section C., below.

3. As a result of the above, two documents must be prepared:

a. A Federal Funding Opportunity, which includes a summary of the FFO, both of which are to be posted on the Fedgrants.gov website;

b. A *Federal Register* notice, containing the information described in Section C., below.

B. Announcement Format of Federal Funding Opportunity (FFO).

This document is designed to provide a uniform format for Federal agencies' announcements of funding opportunities under which discretionary awards of grants or cooperative agreements may be made. The format has two parts, the first part provides overview information, and the second part includes the full text of the announcement.

1. Overview Information

a. Required Overview Content

The following information must be displayed prominently, in the sequential order shown, in a location preceding the full text of the announcement:

1. Federal Agency Name(s)--Required. Include the name of the Department, the Operating Unit and the specific office(s) within the unit (e.g., bureau, directorate, division, or institute) that are involved in the funding opportunity.

2. Funding Opportunity Title--Required. If there is a program name (within the broader title) that is different from the Funding Opportunity Title, you also could include that name here.

3. Announcement Type--Required. Indicate whether this is the initial announcement of this funding opportunity or a modification of a previously announced opportunity. If it modifies a previous announcement, provide the date of that announcement and identify the portions that are being modified. A modification does not need to include all of the sections of the full announcement text, only those sections being amended.

4. Funding Opportunity Number--Required, if applicable. An operating unit may assign unique numbers to, for example, identify specific competitions or programs. If you assign a number, you must include it. If it modifies a previous announcement, provide the number of that announcement.

5. Catalog of Federal Domestic Assistance (CFDA) Number(s)--Required. You also may wish to include the program name listed in the CFDA for each CFDA number that you give. CFDA numbers often include more than one program. Each program within a CFDA number should include additional numbers assigned only to that

program, so that it can be distinguished from other programs listed under the same CFDA number.

6. Dates--Required. Include key dates that potential applicants need to know. Key dates include due dates for applications or Executive Order 12372 submissions, as well as any letters of intent or pre-applications. For any announcement issued before a program's application materials are available, this section should also include the date on which those materials will be released.

b. Optional, Additional Overview Content

Following the required overview information described above, the agency may present other information. Present any optional overview information in a sequential order that parallels the organization of the full text of the announcement. Examples of overview information that could help potential applicants decide whether to read the full announcement are: a concise description of the funding opportunity, the total amount to be awarded, the anticipated amounts and/or numbers of individual awards, the types of instruments that may be awarded, who is eligible to apply, whether cost sharing is required, and any limitations on the numbers of applications that each applicant may submit. You also may include other information that could later help applicants more quickly and easily find what they need (e.g., where one can get application materials).

c. Method of Presentation

An agency must include an executive summary of the announcement before the full text. Include at least the required overview information described above in paragraph a., as well as any additional information described in paragraph b. An executive summary should be short, preferably one page, with information in concise bullets to give an overview of the funding opportunity.

2. Full Text of Announcement

The full text of the announcement is organized in sections. The format indicates immediately following the title of each section whether that section is required in every announcement or is optional. The format is designed so that similar types of information will appear in the same sections in announcements of

different Federal funding opportunities. Toward that end, there is text in each of the format's sections to describe the types of information to be included in that section of an actual announcement. If you wish to include information on a subject that the format does not specifically discuss, address that subject in whatever section(s) is most appropriate. For example, if an agency chooses to address performance goals in the announcement, it might do so in the funding opportunity description, the application content, and/or the reporting requirements. Similarly, when this format calls for a type of information to be in one particular section, an agency wishing to address that subject in other sections should use cross references between the sections (there should be hyperlinks for cross-references in any electronic versions of the announcement). The sections of the full text of the announcement are described in the following paragraphs.

a. Funding Opportunity Description--Required

This section contains the full programmatic description of the funding opportunity. It may be as long as needed to adequately communicate to potential applicants the areas in which funding may be provided. It describes the agency's funding priorities (on a broader level than those which are to be used as selection factors and described in paragraph e., below) or the technical or focus areas in which the agency intends to provide assistance. As appropriate, it may include any program history (e.g., whether this is a new program or a new or changed area of program emphasis). This section may communicate indicators of successful projects (e.g., if the program encourages collaborative efforts) and may include examples of projects that have been funded previously. This section must include citations for authorizing statutes and regulations for the funding opportunity.

b. Award Information--Required

Provide sufficient information to help an applicant make an informed decision about whether to submit a proposal. Relevant information must include the total estimated amount of funding that your agency expects to award through the announcement; the anticipated number of awards; the expected amounts of individual awards (which may be a range); the amount of funding per award, on average, experienced in previous years; and the anticipated

start dates and periods of performance for new awards. This section also should address whether applications for renewal or supplementation of existing projects are eligible to compete with applications for new awards. It must also indicate whether multi-year applications are being sought. This section also must indicate the type(s) of assistance instrument (i.e., grant, cooperative agreement, and/or other instrument) that may be awarded if applications are successful. If cooperative agreements may be awarded, this section should describe the "substantial involvement" that the agency expects to have. If procurement contracts also may be awarded, you must say so.

c. Eligibility Information

This section addresses considerations or factors that make an applicant or application eligible or ineligible for consideration. This includes the eligibility of particular types of applicant organizations, any factors affecting the eligibility of the principal investigator or project director, and any criteria that make particular projects ineligible. You should make clear whether an applicant's failure to meet an eligibility criterion by the time of an application deadline will result in your agency's returning the application without review or, even though an application may be reviewed, will preclude the agency from making an award. Key elements to be addressed are:

1. Eligible Applicants--Required. You must clearly identify the types of entities that are eligible to apply, using the list of applicants contained in 15 CFR §§ 14.1 and 24.1, unless a statute specifies other types of organizations. If there are no restrictions on eligibility, this section may simply indicate that all potential applicants are eligible. If there are restrictions on eligibility, it is important to be clear about the specific types of entities that are eligible, not just the types that are ineligible. You may not eliminate organizations that are eligible under the statute, or restrict competition to certain applicants, without providing justification. For example, if your program is limited to non-profit organizations subject to Section 501(c)(3) of the tax code, your announcement should say so. Similarly, it is better to state explicitly that Native American tribal organizations are eligible than to assume that they can unambiguously infer that from a statement that non-profit or local government organizations may apply.

Eligibility also can be expressed by exception, (e.g., open to all types of domestic applicants other than individuals).

2. Cost Sharing or Matching--Required. You must state whether there is required cost sharing, matching, or cost participation without which an application would be ineligible (if cost sharing is not required, you must explicitly say so). It is important that the announcement be clear about any restrictions on the types of cost (e.g., in-kind contributions) that are acceptable as cost sharing. This section should refer to the appropriate portion(s) of Section d. stating any pre-award requirements for submission of letters or other documentation to verify commitments to meet cost-sharing requirements if an award is made. If cost sharing is encouraged, this paragraph should include a cross reference to the evaluation criteria or selection factor which will be used for assessment.

3. Other--Required, if applicable. If there are other eligibility criteria (i.e., criteria that have the effect of making an application or project ineligible for award, whether you refer to them as "responsiveness" criteria, "go-no go" criteria, "threshold" criteria, or in other ways), you must clearly state them, or refer to the regulation or requirement that describes the restriction. For example, if entities that have been found to be in violation of a particular Federal statute are ineligible, it is important to say so. In this section you also must state any limit on the number of applications an applicant may submit under the announcement and make clear whether the limitation is on the submitting organization, individual investigator/program director, or both. Also use this section to address any eligibility criteria for beneficiaries or for program participants other than award recipients.

d. Application and Submission Information

1. Address to Request Application Package--Required. You must tell potential applicants how to get application forms, kits, or other materials they need to apply (if this announcement contains everything they need, this section need only say so). You may give an Internet address where they can access the materials.* Since high-speed Internet access is not yet universally available for downloading documents, you must also identify a way for potential applicants to request paper copies of materials, such as a U.S. Postal Service mailing

address, telephone or FAX number, Telephone Device for the Deaf (TDD) or Text Telephone (TTY) number, and/or Federal Information Relay Service (FIRS) number.

2. Content and Form of Application Submission--Required. This section must identify the required content of an application and the forms or formats that an applicant must use to submit it. If any requirements are stated elsewhere because they are general requirements that apply to multiple programs or funding opportunities, this section may refer to where those requirements may be found. This section also should address any preliminary submissions that the agency requires or encourages, either to facilitate its own planning or to provide potential applicants with feedback to help them decide whether to submit a full proposal. You must either include required forms or formats as part of this announcement or state where the applicant may obtain them.

In this section, you should specifically address content and form or format requirements for:

i) Pre-applications, letters of intent, or white papers that your agency requires or encourages (see Section d.3), including any limitations on the number of pages or other formatting requirements similar to those for full applications.

ii) The application as a whole. For hard copy submissions, that could include any limitations on the number of pages, font size and typeface, margins, paper size, number of copies (original and 2 copies unless requiring additional copies has received Paperwork Reduction Act approval), and sequence or assembly requirements. If electronic submission is permitted or required,* that could include special requirements for formatting or signatures.

iii) Component pieces of the application (e.g., if all copies of the application must bear original signatures on the face page or the program narrative may not exceed 10 pages). This includes any pieces that may be submitted separately by third parties (e.g., references or letters confirming commitments from third parties that will be contributing a portion of any required cost sharing).

iv) Information that successful applicants must submit after your agency notifies them of its intent to make awards, but prior to award. This could include evidence of compliance with human subjects requirements or information your agency needs to comply with the National Environmental Policy Act (NEPA). Official award notification can only be made by the Grants Officer.

3. Submission Dates and Times--Required. Your announcement must identify due dates and times for all submissions. This includes not only the full applications but also any preliminary submissions (e.g., letters of intent, white papers, or pre-applications). It also includes any other submissions of information before award that are separate from the full application. If the funding opportunity is a general announcement that is open for a period of time with no specific due dates for applications, this section should say so. **Note:** the information on dates that is included in this section also must appear with other overview information in a location preceding the full text of the announcement (see "Overview Information" segment of this format).

For each type of submission that you address, indicate whether the submission is encouraged or required and, if required, any deadline date for submission (or dates, if the agency plans more than one cycle of application submission, review, and award under the announcement). The announcement must state (or provide a reference to another document that states):

- i. Any deadline in terms of a date and local time.
- ii. What the deadline means. Specify the date and time by which the agency must receive the application, the date by which the application must be postmarked (or something else), and how that depends, if at all, on the submission method (e.g., mail, electronic, or personal/courier delivery).
- iii. The effect of missing a deadline. Late applications are neither reviewed nor considered or, if waivers of deadlines are permitted, describe the basis for making such waivers.
- iv. How the receiving Federal office determines whether an application or pre-application has been submitted before the deadline. This includes the form of acceptable proof of mailing or system-generated documentation of receipt date and time.
- v. This section also may indicate whether, when, and in what form the applicant will receive an acknowledgment of receipt. You should consider displaying the submission date and time information in ways that will be easy to understand and use. It can be difficult to extract all needed information from narrative paragraphs, even when they are well written. A tabular form for providing a summary of the information may help applicants for some programs and give them what effectively could be a checklist to verify the completeness of their application package before submission.

4. Intergovernmental Review--Required, if applicable. If the funding opportunity is subject to Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs," you must say so. In alerting applicants that they must contact their State's Single Point of Contact (SPOC) to find out about and comply with the State's process under EO 12372, you may wish to inform them that the names and addresses of the SPOCs are listed in the Office of Management and Budget's home page at:
<http://www.whitehouse.gov/omb/grants/spoc.html>.

5. Funding Restrictions--Required. You must include information on funding restrictions in order to allow an applicant to develop an application and budget consistent with program requirements. Examples are whether construction is an allowable activity, if there are any limitations on direct costs such as foreign travel or equipment purchases, and if there are any limits on indirect costs (or facilities and administrative costs). You also must tell applicants if awards will not allow reimbursement of pre-award costs.

6. Other Submission Requirements--Required. This section must address any other submission requirements not included in the other paragraphs of this section. This might include the format of submission, i.e., paper or electronic, for each type of required submission. Applicants should not be required to submit in more than one format and this section should indicate whether they may choose whether to submit applications in hard copy or electronically, may submit only in hard copy, or may submit only electronically. This section also must indicate where applications (and any pre-applications) must be submitted if sent by postal mail, electronic means, or hand-delivery. For postal mail submission, this should include the name of an office, official, individual or function (e.g., application receipt center) and a complete mailing address, including room number or courier reception point. For electronic submission, this should include the URL or e-mail address; whether a password(s) is required; whether particular software or other electronic capabilities are required; what to do in the event of system problems and a point of contact that will be available in the event the applicant experiences technical difficulties.*

e. Application Review Information

1. Criteria--Required. This section must address the criteria that your agency will use to evaluate applications. This includes the merit and other review criteria that

evaluators will use to judge applications, including any statutory, regulatory, or other preferences (e.g., minority status or Native American tribal preferences) that will be applied in the review process. These criteria are distinct from eligibility criteria that are addressed before an application is accepted for review and any program policy or other selection factors that are applied during the selection process, after the review process is completed. The intent is to give applicants visibility into the evaluation process so that they can make informed decisions when preparing their applications and so that the process is as fair and equitable as possible. The announcement should clearly describe all criteria, including any sub-criteria. If criteria vary in importance, the announcement should specify the relative percentages, weights, or other means used to distinguish among them. For statutory, regulatory, or other preferences, the announcement should provide a detailed explanation of those preferences with an explicit indication of their effect (e.g., whether they result in additional points being assigned). If cost sharing will not be considered in the evaluation, the announcement should say so, so that there is no ambiguity for potential applicants. Vague statements that cost sharing is encouraged, without clarification as to what that means, are unhelpful to applicants so you must explain how it will be addressed in the evaluation process. It also is important that the announcement be clear about any restrictions on the types of cost (e.g., in-kind contributions) that are acceptable as cost sharing.

2. Review and Selection Process--Required. This section may vary in the level of detail provided. The announcement must list any selection factors (program policy or other factors or elements), other than merit evaluation criteria, that the selecting official may use in selecting applications for award (e.g., availability of funding, geographical dispersion, program balance, or diversity). You also may include other details you deem appropriate. For example, this section must indicate who is responsible for evaluation against the merit criteria (e.g., peers external to the agency or Federal agency personnel) and/or who makes the final selections for award. If you have a multi-phase review process (e.g., an external panel providing assessments to internal agency personnel who make final recommendations to the selecting official), you should describe the phases. You also must include: the number of people on an evaluation panel (minimum of 3) and you may describe how it operates, the way reviewers are selected, reviewer

qualifications, and the way that conflicts of interest are avoided. In addition, if you permit applicants to nominate suggested reviewers of their applications or suggest those they feel may be inappropriate due to a conflict of interest, that information should be included in this section.

3. Anticipated Announcement and Award Dates--Optional. This section is intended to provide applicants with information they can use for planning purposes. If there is a single application deadline followed by the simultaneous review of all applications, the agency can include in this section information about the anticipated dates for announcing or notifying successful and unsuccessful applicants and for having awards in place. If applications are received and evaluated on a "rolling" basis at different times during an extended period, it may be appropriate to give applicants an estimate of the time needed to process an application and notify the applicant of the agency's decision.

f. Award Administration Information

1. Award Notices--Required. This section must address what a successful applicant can expect to receive following selection. This section should indicate that the notice of award signed by the grants officer (or equivalent) is the authorizing document, and whether it is provided through postal mail or by electronic means and to whom. It also may address the timing, form, and content of notifications the Department will provide to unsuccessful applicants (See section 8.J. of the Grants Manual). The award document must incorporate both the Federal Register Notice and the Federal Funding Opportunity into the award when applicable.

2. Administrative and National Policy Requirements--Required. This section must identify the usual administrative and national policy requirements your agency's awards may include. The Department will continue to publish a *Federal Register* notice containing this information (See Appendix D to this Manual). You should include a reference to the most current version of the Department's notice. Providing this information lets a potential applicant identify any requirements with which it might have difficulty complying if its application is successful. In those cases, early notification about the requirements allows the potential applicant to decide not to apply or to take needed actions before award.

3. Reporting--Required. This section must include general information about the type (e.g., financial or performance), frequency (minimum and maximum), and means of submission (paper or electronic) of post-award reporting requirements. Highlight any special reporting requirements for awards under this funding opportunity that differ (e.g., by report type, frequency, form/format, or circumstances for use) from what your agency's awards usually require. Performance reports or special data requests may require Paperwork Reduction Act approval.

g. Agency Contact(s)--Required

You must give potential applicants a point(s) of contact for answering questions or helping with problems while the funding opportunity is open. The intent of this requirement is to be as helpful as possible to potential applicants, so you should consider approaches such as giving:

- Points of contact who may be reached in multiple ways (e.g., by telephone, FAX, and/or e-mail, as well as regular mail).
- A fax or e-mail address that multiple people access, so that someone will respond even if others are unexpectedly absent during critical periods.
- Different contacts for distinct kinds of help (e.g., one for questions of programmatic content and a second for administrative questions).

h. Other Information--Optional

This section may include any additional information that will assist a potential applicant. For example, the section might:

- Indicate whether this is a new program or a one-time initiative.
- Mention related programs or other upcoming or ongoing agency funding opportunities for similar activities.
- Include Internet addresses for agency Web sites that may be useful to an applicant in understanding the program (NOTE: you should make certain that any Internet sites are current and accessible).*
- Alert applicants to the need to identify proprietary information and inform them about the way the agency will handle it.
- Include certain routine notices to applicants (e.g., that the Government is not obligated to make any award as a result of

the announcement or that only grants officers can bind the Government to the expenditure of funds).

*\ With respect to electronic methods for providing information about funding opportunities or accepting applicants' submissions of information, each agency is responsible for compliance with Section 508 of the Rehabilitation Act of 1973, as amended by the Workforce Investment Act of 1998.

C. Entry of FFOs on Fedgrants.gov

The Office of Federal Financial Management (OFFM) has required Federal agencies to use the Grants.gov FIND module to electronically post synopses of funding opportunities under Federal financial assistance programs that award discretionary grants and cooperative agreements. The policy directive includes an attachment which contains the government-wide standard set of data elements to be used by Federal agencies when posting synopses at <http://www.Grants.gov>. The purpose of the Grants.gov FIND module is to provide potential applicants with (1) enough information about any funding opportunity to decide whether they are interested in viewing the full announcement; (2) information on one or more ways to obtain the full announcement (e.g., an Internet site, e-mail address or telephone number); and (3) one common Web site for all Federal grant opportunities searchable by key word, date, Catalog of Federal Domestic Assistance (CFDA) number or specific agency name.

1. The data elements/format attached to the policy directive and listed below are the government-wide standard for posting synopses at <http://www.Grants.gov>. Agencies should continue to post their full announcement at location(s) consistent with any applicable statutory requirements and the other provisions of this Chapter. The synopsis shall be posted with universal resource locator (URL) links through which the full announcement can be obtained. A URL link from the synopsis to the full announcement is not necessary for full announcements posted to Grants.gov because the synopsis and full announcement share the same URL. However, in this event the synopsis must indicate that the full announcement can be found at Grants.gov FIND.

2. Grants.gov FIND Data Elements:

- a. The user ID of Federal agency representative who is authorized to post information to the FedGrants.gov site.
- b. The password of Federal agency representative who is authorized to post information in the FedGrants.gov site.
- c. The type of announcement to which the synopsis relates.
- d. The agency's title for the funding opportunity (including program subcomponent names).
- e. Funding opportunity number. The number, if any, that you assign to the announcement. For modification of a previously issued announcement, use the funding opportunity number of the earlier announcement. This is optional for the initial announcement, if a number is not assigned, FedGrants.gov will assign one.
- f. Catalog of Federal Domestic Assistance (CFDA) number. At least one entry is required (you may list more than one).
- g. Federal agency name. The name of the organization responsible for the announcement, including agency name and as applicable, specific subcomponent (e.g., department, bureau, directorate, or division).
- h. Federal agency contact for electronic access problems. You must list the name of person (e.g., webmaster) to whom potential applicants should refer questions if they cannot link from FedGrants.gov to the full announcement (this entry is distinct from that for the programmatic and other agency contacts who are listed in the full announcement). At least one entry is required.
- i. E-mail address for Federal agency contact for electronic access problems.
- j. Telephone number for Federal agency contact for electronic access problems.
- k. Funding opportunity description. A concise description of the funding opportunity, designed to contain sufficient information for potential applicants to decide whether they are interested enough to read the full announcement.
- l. Funding instrument type. Types of instruments that may be awarded (codes proved for system-to-system interface): Grant (G); Cooperative Agreement (CA); Procurement Contract (PC); Other (O). Note that if your announcement states that you may award procurement contracts, as well as assistance instruments, the announcement must be posted to both the procurement and assistance modules of Grants.gov FIND. Select all that apply (up to 4 codes).
- m. Category of funding activity. This entry is designed to allow potential applicants to narrow their search to programs in the

CFDA categories of interest to them. Note that the terms are defined in the CFDA. List all categories that apply. At least one entry is required and you may list as many as needed. There is no default value. If the category of funding activity does not clearly fit in any listed category, you must select, "Other."

n. Explanation of "other" category of funding activity. This is required if you select "other" as a category of funding activity, either by itself or in combination with one or more other categories.

o. Estimated total program funding. The total amount of funding the agency expects to make available for awards under this announcement.

p. Expected number of awards. The number of individual awards the agency expects to make under this announcement.

q. Ceiling, if any, on the amount of individual award. This is the maximum dollar amount for an individual award under this announcement that the awarding agency will not exceed. Enter a number or "none."

r. Floor, if any, on the amount of individual award (i.e., if the awarding agency will not make smaller awards under any circumstances). Enter a number or "none."

s. How to get full announcement. Hypertext stating where to get the full announcement on the Internet. This field should include the descriptor that precedes the URL for the full announcement (e.g., "Click on the following link to see the full text of the announcement for this funding opportunity").

t. Electronic link to full announcement. The URL for the full announcement, unless the announcement is uploaded in Grants.gov
FIND

u. Eligible applicants. Designed to help potential applicants narrow their searches to programs where they are most likely to be eligible, although they still must read the full announcement for details because eligibility may be further limited to certain subsets of applicants within categories. You must either select "99" for unrestricted or select all others that apply.

v. Additional information on eligibility. Explanatory information to provide any needed clarification of the meaning of "unrestricted" (e.g., all but foreign entities) to identify types of recipients meant by "all others," or to provide further information about limitations for any other categories (e.g., for categories 6 and 20, a limitation to historically Black colleges and universities). Required if you select either category 25 or category 99 in "eligible applicants" field,

Optional for additional information related to any category other than 99 or 25.

w. Cost sharing or matching requirement. Answer to the question: Is cost sharing or matching required? (Y or N).

x. Due date for applications. Date when applications are due (or latest date when applications accepted, if announcement has multiple due dates or is a general announcement that is open for a specified period with applications accepted at any time during that period). Note: This field is to contain the date when pre-applications, rather than applications, are due if an applicant must submit a pre-application to be considered for an award. Required, if "Explanation of application due dates" field is not completed, optional otherwise.

y. Explanation of application due dates. Used by agencies wanting to post more information about due date(s) for potential applicants. For example, the field may be used to describe programs with multiple due dates or ones where applications are accepted at any point within a broad time window. The field also may be used to add information about the time when applications are field due (e.g., 5 p.m. EDT on the date given in the "Due date for applications" field). (Note: "Due date for applications" field is required if this "Explanation of application due dates" text is not completed).

z. Date of Grants.gov FIND posting. The month, day, and year when the agency wants the synopsis posted on Grants.gov FIND (e.g., you should build in delays to allow announcements to appear first in the Federal Register). The format is MMDDCCYY.

aa. Date for Grants.gov FIND to archive. If you provide no input, the default is 30 days after the date given in the "Due date for applications" field.

D. Publication in the *Federal Register*.

1. Providing online access to the Funding Opportunity through the internet does not entirely eliminate the requirement to publish a notice in the *Federal Register*. It does, however, reduce the amount of information that must be published. As noted above, in Section A. of this chapter, the Department policy is that Operating Units will publish only the minimum information legally required under the Administrative Procedure Act (5 U.S.C. §§ 551-559), which includes the following information contained in the Federal Funding Opportunity announcement:

a. summary description of the program;

- b. deadline dates;
- c. addresses for submission of applications;
- d. information contacts (including electronic access);
- e. amount of funding available;
- f. statutory authority;
- g. CFDA number;
- h. eligibility requirements, including any cost sharing or matching requirements;
- i. Intergovernmental Review requirements;
- j. evaluation criteria used by the merit reviewers;
- k. Selection procedures, including funding priorities/selection factors/policy factors to be applied by the selecting official; and
- l. Administrative and National Policy Requirements. See paragraph F.2.g.(9), below, for specific language.(A copy of the Department-wide notice as published in the *Federal Register* is in Appendix D of this Manual),

To the extent any of the above have been codified or otherwise published in the *Federal Register* a cross reference to the appropriate CFR or *Federal Register* publication may be substituted.

E. Federal Register Format Requirements.

Federal Register notices should be drafted in accordance with the guidelines delineated in the *Federal Register* Document Drafting Handbook, which includes the submission requirements. In accordance with the handbook, notices must be organized as follows:

- 1. Heading. The headings should identify the issuing agency, the CFR title, the regulation identification number (RIN), docket number, and subject matter of the document and must be presented in the following format:
 - a. Agency is always the Department of Commerce.
 - b. Subagency (if necessary). Identifies the operating unit which is issuing the notice.
 - c. CFR title and part, if applicable. (Funding notices are not generally assigned a CFR title and part.)
 - d. Docket number.
 - e. RIN.
 - f. Subject Heading. Describes the content of the notice in a concise statement.

The following is an example of how the headings should appear in the notice:

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. _____]

RIN _____

Financial Assistance for Oyster Disease Research]

2. Preamble. The preamble is the main focus of the notice and shall follow the Subject Heading. It arranges the content of the document into a uniform format by providing information on "who, what, where, when, and why." This allows the reader to review the document and assess its main points, determine whether it is of interest, and decide whether to respond to the notice. The preamble must be organized in the following format with the captions typed in all capital letters:

a. AGENCY. Identifies the agency issuing the document. The caption usually repeats the name of the agency as carried in the document's headings. When a subagency and agency name appear together, the subagency name is carried first and the agency name is represented by its commonly used acronym or other shortened expression (For example, Economic Development Administration, Department of Commerce.) This caption may, in addition, identify a smaller organizational unit within the agency (for example, National Marine Fisheries Service, NOAA).

b. ACTION. Identifies the document category. This section should not be used to summarize the document. In this instance, the document category is a "Notice."

c. SUMMARY. Briefly describes in plain English what action is being taken, why the action is necessary, and the intended effect of the action. Any extensive discussion or details belongs under the SUPPLEMENTARY INFORMATION section.

d. DATES. Contains any pertinent dates that the reader may need to know such as the closing dates for submission of preapplications (if applicable) and applications, anticipated number of days required to process applications, and date when awards are expected to be made. To provide the public reasonable notice and an opportunity to apply, there must be a minimum of 30 calendar days from the date of publication in the *Federal Register* and the closing date for receipt of applications (e.g., November 1 publication date and December 1 closing date).

[**Note:** Because the publication date of the notice will not be known until it is submitted to the Office of Federal Register, inserting specific calendar dates is discouraged; rather, allow

the Office of Federal Register to calculate the dates by including the following where dates should appear in the notice: {Insert (number of days, but no less than 30) after the date of publication in the *Federal Register*}.

e. ADDRESSES. Contains pertinent address(es) for the reader such as where to write to obtain an application kit, where to send an application, or where to send correspondence for any other purpose.

f. FOR FURTHER INFORMATION CONTACT. Contains the name and telephone number of a person within the operating unit who can answer questions about the notice.

g. SUPPLEMENTARY INFORMATION. Contains detailed narrative information about the notice. Remember, as is illustrated in item (9), below, to the extent any of the following items have been codified or otherwise published in the *Federal Register* a cross reference to the appropriate CFR or *Federal Register* publication may be substituted. At a minimum, the following items must be included in this section:

(1) Authority. The statutory authority, EO, or any other legal authority that authorizes the program to provide financial assistance.

(2) Catalog of Federal Domestic Assistance (CFDA). The CFDA number(s) and program title(s).

(3) Program Description. A concise description of the goals and objectives of the program. The description should explain why Federal assistance is being provided, the intended beneficiaries of funded projects, and expected project results/ achievements.

(4) Funding Availability. The amount of funds available, expected amount of individual awards, and the purposes for which funds may be spent. If the publication of the notice precedes the passage of the appropriate fiscal year funding legislation, the announcement must state an approximate amount and that funds will be contingent upon availability of funding. If a transfer of funds is anticipated, see Chapter 16, Section X., of this Manual.

(5) Eligibility Criteria. An explicit description of who is eligible to apply (e.g., States, universities, non-profit organizations, for-profit organizations, individuals, etc.), including any limitations imposed by the funding agency. Include here whether any cost sharing or matching is required to receive an award.

(6) Evaluation Criteria. The evaluation criteria that will be used in evaluating and selecting applications for discretionary funding consideration must be delineated. The criteria should be

as specific as possible and the relative weight of each criterion must be given. If each criterion is of equal weight, the notice should so state. The criteria should provide an adequate basis for a review panel to review an applicant's capabilities and assess its likelihood of successfully performing under the award. Evaluation criteria should address such areas as adequacy of project plans, potential contribution to program objectives, key personnel qualifications, capabilities of the applicant organization, proposed costs, etc. (7) Selection Procedures. Describe the process and procedures by which recommended applications will be selected. If the Operating Unit plans to select projects based upon funding priorities/selection factors/policy factors, those should be stated and an explanation should be provided as to how they will be applied to select projects out of the rank order established under the merit evaluations.

(8) Intergovernmental Review. [Insert applicable statement below]

(a) Applications under this program are subject to Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs."

(b) Applications under this program are not subject to Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs."

[**Note:** The Office of Legislative and Intergovernmental Affairs (OLIA) has the responsibility for implementing EO 12372. (9) Administrative and National Policy Requirements. This section should read as follows: "Department of Commerce Pre-Award Notifications for Grants and Cooperative Agreements, which are contained in the *Federal Register* Notice of October 1, 2001 (66 F.R. 49917), as amended by the Notice published on October 30, 2002 (67 F.R. 66109), are applicable to this solicitation."

(10) Administrative Procedure Act and Regulatory Flexibility Act. Prior notice and comment are not required under 5 U.S.C. § 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. §553(a)). Because prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. §553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. et seq.) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

(11) The Supplementary Information should also address EO 13132 (Federalism) and EO 12866 (Regulatory Planning and Review).

(12) Information Collection. Notwithstanding any other

provisions of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection displays a current valid OMB control number.

3. Signature. The signature of the person authorized to sign a notice submitted for publication in the *Federal Register* must be placed at the end of the document. The signature must be handwritten in ink, and the name and title of the person signing must be typed directly beneath the signature.

F. Coordination and Clearance.

1. Proposed FFOs must be cleared by the Grants Officer; FALD; and Office of Acquisition Management (OAM).
2. All *Federal Register* notices must be submitted to FALD prior to submission to the *Federal Register*, unless other arrangements have been agreed to in advance. FALD coordinates all Departmental clearances from the Office of the Assistant General Counsel for Legislation and Regulation (AGC/L&R), OAM and Electronic Government Division. Once Departmental clearances have been obtained, AGC/L&R will issue a docket number which authorizes publication in the *Federal Register*. After issuance of the docket number by AGC/L&R, the operating unit is responsible for submitting the notice to the Office of the *Federal Register* for publication and to Congress and the General Accounting Office (GAO), as required by 5 U.S.C. 801 et seq. See Section G. of this chapter.
3. After submission to the *Federal Register*, the Operating Unit is responsible for posting synopsis of the FFO notice to www.Fedgrants.gov, as described in paragraph D., above, and posting the FFO to the appropriate official Department website, as described in paragraph B., above.

G. Congressional Review of Final Rules and Interim Final Rules.

For purposes of Congressional review under Chapter 8 of Title 5, United States Code, agencies are required to submit each final and interim final rule to both Houses of Congress and the GAO before the final or interim final rule can take effect. Further, when an agency submits a final or interim final rule, the agency is also to provide GAO, and to make available upon request to each House of Congress: (1) a complete copy of the cost/benefit

analysis of the rule, if any; (2) information concerning the agency's actions under the Regulatory Flexibility Act; (3) information concerning the agency's actions under the Unfunded Mandates Reform Act; and (4) any other relevant information or requirements under any other law and any other EO. Generally, for Federal assistance funding notices, this is translated into a form to each house of Congress and GAO, enclosing a copy of the *Federal Register* notice with each form; and with the GAO submission, also enclosing a copy of the EO 12866 determination of significant or not significant, if received. The final or interim final rule should be sent when sending the document to the Office of Federal Register, but must be received before the rule can be made effective. If you have any questions about the Congressional review procedures, please consult with the AGC/L&R. The AGC/L&R should be sent a copy of one of the signed forms. A sample checklist and form for this purpose can be accessed on the Internet at the following Web site:
<http://www.gao.gov>.

H. *Federal Register* Notice Checklist.

A checklist for use as an easy reference in confirming that all required information is included in notices can be found in the Exhibits Section of this Manual.